



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE  
REFER TO OUR FILE

November 24, 2003

*Via electronic filing*

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

RE: Reply Comment of the Pennsylvania Public Utility Commission In the Matter of  
Vonage Holdings Corporation Petition for Declaratory Order of the Minnesota  
Public Utilities Commission WC Docket No. 03-211, DA-2952

Dear Ms. Dortch:

Please find attached for filing one copy of the Pennsylvania Public Utility Commission's  
Reply Comment In the Matter of Vonage Holdings Corporation Petition for Declaratory Order  
of the Minnesota Public Utilities Commission at WC Docket No. 03-211, DA-2952.

If you have any questions concerning this filing, please contact me at 717-787-3663 or  
[joswitmer@state.pa.us](mailto:joswitmer@state.pa.us).

Sincerely,

Joseph K. Witmer, Esq.  
Assistant Counsel

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Vonage Holdings Corporation	)	WC Docket No. 03-211
Petition for Declaratory Ruling Concerning	)	DA 03-2952
An Order of the Minnesota Public	)	
Utilities Commission	)	

---

**REPLY COMMENT OF  
THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

---

The Pennsylvania Public Utility Commission (PaPUC) hereby respectfully submits this Reply Comment in response to the Commission's Public Notice released on September 26, 2003, and comments that were filed thereto on October 27, 2003, in the above-captioned proceeding. This proceeding concerns the Vonage Holdings Corporation Petition for Preemption of an Order of the Minnesota Public Utilities Commission (Vonage Preemption Petition).

The PaPUC limits this Reply Comment to a placeholder comment given the soon-to-be-concluded Pennsylvania Investigation into Voice Over Internet Protocol (VoIP) in Docket No. M-0031707 (PaPUC VoIP Investigation). If warranted, the PaPUC intends to supplement its Reply Comment to address substantially the jurisdictional, policy, state certification, and other significant matters. We may do so based on our disposition of the pending PaPUC VoIP Investigation which we expect to conclude before the year's end.

The PaPUC recognizes that this Vonage Preemption Petition is the latest in a series of petitions filed with the FCC regarding VoIP. The Public Comment periods in

these other proceedings, however, have expired. As a result, the Vonage Preemption Petition is the only proceeding that provides the PaPUC with an opportunity to file Comments reflecting the PaPUC's views on VoIP issues.

The PaPUC also supports the FCC's decision to hold a public hearing on December 1, 2003 about VoIP issues. The PaPUC looks forward to participation in any subsequent proceedings on VoIP, including an anticipated Notice of Proposed Rulemaking (NPRM), which may follow the December hearing.

The PaPUC just completed an on-the-record proceeding in which the PaPUC sought Public Comment on VoIP in Pennsylvania. The Comments filed in our VoIP Investigation raise a complex array of jurisdictional, policy, state certification, and other issues, similar to those raised in the pending Vonage Preemption Petition, which must be carefully considered before crafting a final decision. We expect to act on this matter before the end of the year.

However, the FCC's closing dates for Public Comment overlap with the PaPUC VoIP Investigation. Comments and Replies in the Vonage Preemption Petition, combined with the PaPUC's consideration of a staff recommendation in the PaPUC VoIP Investigation, prevents our filing a comprehensive at this time. Given the importance of VoIP, the PaPUC is filing this Reply Comment to formally set forth the PaPUC's concerns about the jurisdictional, policy, state certification, and other issues raised in the Vonage Preemption Petition.

Following disposition of VoIP issues in our VoIP Investigation at M-00031707, the PaPUC may supplement this Reply based on our PaPUC VoIP Investigation. The PaPUC takes this approach because we are concerned that the FCC will act on the Vonage Preemption Petition before we conclude our VoIP investigation.

The PaPUC does not believe that the overlap between Public Comment on the Vonage Preemption Petition and the PaPUC's VoIP Investigation should prevent the FCC and Pennsylvania from full consideration of the issues. The PaPUC takes this

action, however, in order to be a party of record in the Vonage Preemption Petition given the importance of VoIP.

Respectfully submitted,  
Pennsylvania Public Utility Commission

---

Joseph K. Witmer, Esq.  
Assistant Counsel, Law Bureau  
Pennsylvania Public Utility Commission

Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120  
(717) 787-3663

Dated: November 24, 2003